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9 Attorneys for Defendant Aramark Corporation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

14 **XOCHILIT LOPEZ**, individually and
 on behalf of all others similarly situated,

15 Plaintiff,

17 vs.

18 **SMG** a general partnership, **HYATT**
 19 **HOTEL CORPORATION**; **ARAMARK**
 20 **CORPORATION**; and **DOES 1** through
 40, inclusive,

21 Defendants.

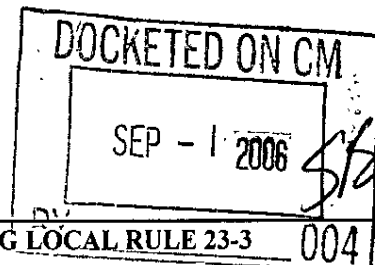
CASE NO.: CV 06-3304-GAF
(FMOx)

CLASS ACTION

STIPULATION AND [PROPOSED]
ORDER RE DISMISSAL OF
DEFENDANT ARAMARK
CORPORATION

Complaint Filed: 4/20/06

25 IT IS HEREBY STIPULATED BY PLAINTIFF XOCHILIT LOPEZ AND
 26 DEFENDANT ARAMARK CORPORATION THROUGH THEIR RESPECTIVE
 27 COUNSEL AS FOLLOWS:

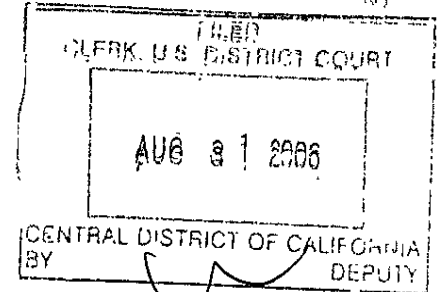


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U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 LOS ANGELES



1
2 WHEREAS, this action was filed in Los Angeles Superior Court on April 20,
3 2006 and was subsequently removed to this Court, and
4

5 WHEREAS, defendant ARAMARK Corporation filed its answer to the
6 Complaint on or about June 28, 2006; and
7

8 WHEREAS, subsequently, counsel for defendant ARAMARK Corporation
9 informed Plaintiff's counsel that defendant ARAMARK Corporation is not a proper
10 party defendant in this case, and that non-party ARAMARK Facilities Management,
11 Inc., is in fact the general partner of defendant SMG, rather than ARAMARK
12 Corporation; and
13

14 WHEREAS, Plaintiff's counsel requested a declaration stating as much; and
15

16 WHEREAS, on August 22, 2006, counsel for defendant ARAMARK
17 Corporation provided Plaintiff's counsel with a Declaration from an officer of the
18 parent company of ARAMARK Facilities Management, Inc., stating, *inter alia*, that
19 the latter entity is one of SMG's two general partners, and that defendant
20 ARAMARK Corporation had never been a general partner of SMG. (A true and
21 correct copy of said declaration is attached hereto as Exhibit A); and
22

23 WHEREAS, there is no pending counterclaim against Plaintiff; and
24

25 WHEREAS, in reliance on the Declaration attached as Exhibit A and the
26 representations of defense counsel, Plaintiff desires to voluntarily dismiss his claims
27 in their entirety against defendant ARAMARK Corporation, and to make
28 ARAMARK Facilities Management, Inc. a defendant instead, and

08/24/2006 13:53 FAX 310 235 2456

ATTORNEYS- SMBH&B LLP

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1
2 WHEREAS, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure,
3 the parties wish to stipulate to a voluntary dismissal by Plaintiff Xochilit Lopez of all
4 claims against defendant ARAMARK Corporation as set forth hereinafter,
5

6 THEREFORE, IT IS HEREBY STIPULATED BY THE PARTIES HERETO
7 THROUGH THEIR RESPECTIVE COUNSEL that Plaintiff's claims against
8 defendant ARAMARK Corporation be dismissed without prejudice in their entirety,
9 and that ARAMARK Corporation be dismissed as a defendant from this action, and
10

11 IT IS FURTHER STIPULATED that, except as provided in Rule 41(d) of the
12 Federal Rules of Civil Procedure, each party is to bear its own attorney's fees and
13 costs incurred to date.
14

15 IT IS SO STIPULATED.

16
17 Dated: Aug. 25, 2006

SPIRO MOSS BARNES HARRISON & BARGE LLP

By: 

J. MARK MOORE

Attorneys for plaintiff XOCHILIT LOPEZ

22
23 Dated: Aug. 25, 2006

MORGAN, LEWIS & BOCKIUS LLP

By: 

JASON E. STEELE

Attorneys for Defendant ARAMARK Corporation

ORDER

For the reasons set forth above, and good cause appearing, the Court hereby ORDERS that the claims against defendant ARAMARK Corporation are dismissed without prejudice and said defendant is dismissed from this action. Each party will bear its own attorneys' fees and costs.

IT IS SO ORDERED.

Dated: 8/30/06


Hon. GARY ALLEN FEESS
United States District Judge

PROOF OF SERVICE

LOPEZ v. SMG, et al.

USDC - CENTRAL DISTRICT - 2:06-cv-03304

I am over the age of eighteen years and not a party to the within action. My business address is 11377 W. Olympic Blvd., 5th Floor, Los Angeles, CA 90064-1683. I am employed at that address at the firm of Spiro Moss Barness Harrison & Barge, LLP.

On the date set forth below I served the document(s) described as: Stipulation and [Proposed] Order Re Dismissal of Defendant Aramark Corporation on all the interested parties in this action, by placing: [] the original [xx] true copies thereof enclosed in sealed envelopes, addressed as follows, which addresses are the addresses last given by the respective addressees on any document filed in the above case and served on Spiro Moss Barness Harrison & Barge LLP:

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Attorney for Plaintiff Lopez

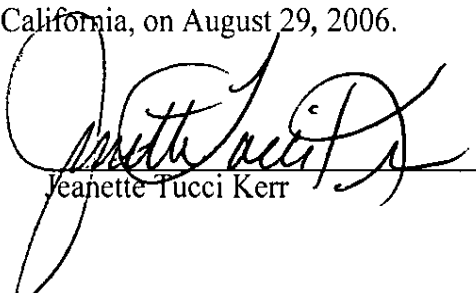
David M. Rosenzweig
MUNGER, TOLLES & olson llp
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Los Angeles, California 90071
Tel.: (213) 683-9100
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Attorneys for Defendant SMG

[x] **BY MAIL:** I am readily familiar with this firms's practice of collection and processing correspondence for mailing with the United States Postal Service. On the date set forth below, at the firm of Spiro Moss Barness Harrison & Barge LLP at the above address, I placed the envelope(s) containing said document(s), sealed, for collection and mailing on that date with the United States Postal Service following ordinary business practices. Under the above-mentioned practice of Spiro Moss Barness Harrison & Barge LLP, the above document(s) would be deposited with the United States Postal Service on that same day in the ordinary course of business, with postage thereon fully prepaid at Los Angeles, California.

- 1 ☐ **BY EXPRESS MAIL** On the date set forth below I deposited such envelope(s) in an
2 Express Mail mailbox, maintained by the U.S. Postal Service for receipt of Express Mail
3 in Los Angeles County, California. The envelope(s) was/were deposited with Express
4 Mail with postage thereon fully prepaid.
- 5 ☐ **BY METHOD OF DELIVERY PROVIDING FOR OVERNIGHT DELIVERY** On
6 the date set forth below I deposited such envelope(s) in a box or other facility regularly
7 maintained by the express service carrier, or delivered such envelope(s) to an authorized
8 courier or driver authorized by the express service carrier to receive documents, with
9 delivery fees paid or provided for. The envelope was an envelope or package designated
10 by the express service carrier.
- 11 ☐ **(BY PERSONAL SERVICE):** I personally served said document(s) on the date set forth
12 below, by leaving them, inside the envelope(s) clearly labeled to identify the attorney(s)
13 being served, at the offices of the attorney(s) listed above, at the address(es) listed above,
14 with a receptionist or other person having charge of the office(s), between the hours of
15 9:00 a.m. and 5:00 p.m.
- 16 ☐ **BY FACSIMILE** On the date set forth below, I transmitted the above document(s) from
17 facsimile machine number (310) 235-2456, in compliance with transmission as provided
18 in California Rule of Court 2008. The fax number(s) that I used are shown above or on
19 the attached Service List, along with the names of recipients and the interested parties.
20 The Facsimile Machine I used complied with California Rule of Court 2003(3). The
21 transmission was reported as complete and without error by the machine, which properly
22 issued the transmission report.
- 23 ☐ **(STATE)** I declare under penalty of perjury under the laws of the State of California that
24 the above is true and correct.
- 25 ☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this
26 court at whose direction the service was made.

27 Executed at Los Angeles County, California, on August 29, 2006.

28 
Jeanette Tucci Kerr